

Regular Session, 2010

HOUSE BILL NO. 1095

BY REPRESENTATIVE MILLS

PHARMACISTS: Provides relative to the reporting and accessing of prescription monitoring information

1 AN ACT

2 To amend and reenact R.S. 40:1006(B) and (E) and R.S. 40:1007(E)(1) and (2) and
3 (F)(introductory paragraph), relative to the Prescription Monitoring Program; to
4 provide for reporting; to provide for access to information; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1006(B) and (E) and R.S. 40:1007(E)(1) and (2) and
8 (F)(introductory paragraph) are hereby amended and reenacted to read as follows:

9 §1006. Reporting of prescription monitoring information

10 * * *

11 B. Each dispenser shall submit the required information in accordance with
12 transmission methods and frequency established by the board; ~~however, the~~
13 ~~frequency shall not be more than once per week.~~ Each eligible prescription
14 transaction shall be reported as soon as possible but in no event more than seven
15 days after the date of dispensing.

16 * * *

17 E. The Prescription Monitoring Program's agents, a dispenser, or a prescriber
18 may report suspected violations of this Section or violations of any law to any local,
19 state, out-of-state, or federal law enforcement agency, or the appropriate
20 prosecutorial agency for further investigation or prosecution.

21 * * *

1 §1007. Access to prescription monitoring information

2 * * *

3 E. The following persons, after successful completion of the educational
4 courses identified in R.S. 40:1008, may access prescription monitoring information
5 at no cost and in the same or similar manner, and for the same or similar purposes,
6 as those persons are authorized to access similar protected health information under
7 federal and state law and regulation:

8 (1) Persons authorized to prescribe or dispense controlled substances or
9 drugs of concern, for the purpose of providing medical or pharmaceutical care for
10 their patients, or for verifying their prescribing records.

11 (2) Designated representatives from the professional licensing, certification,
12 or regulatory agencies of this state or another state charged with administrative
13 oversight of those professionals engaged in the prescribing or dispensing of
14 controlled substances or other drugs of concern.

15 * * *

16 F. The board may provide a report containing prescription monitoring
17 information upon application of local, state, out-of-state, and federal law
18 enforcement or prosecutorial officials engaged in the administration, investigation,
19 or enforcement of the laws governing controlled substances or other drugs of concern
20 in compliance with and as limited by the relevant requirements of any of the
21 following:

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mills

HB No. 1095

Abstract: Provides for changes to the Prescription Monitoring Program. Changes the deadline for reporting each eligible prescription transaction. Allows out-of-state law enforcement agencies to receive any reports of suspected violations of the program. Allows access for persons verifying their prescribing records and certain

representatives from out-of-state agencies to receive prescription monitoring information.

Present law provides that each prescription dispenser shall submit the required information in accordance with transmission methods and frequency established by the board, not more than once per week.

Proposed law changes present law to provide that each eligible prescription transaction shall be reported as soon as possible but not more than seven days after the date of dispensing.

Present law provides that agents, dispensers, and prescribers of the Prescription Monitoring Program may report suspected violations of the law to any local, state, or federal enforcement agencies.

Proposed law retains present law and adds out-of-state law enforcement agencies to the list of eligible agencies to receive reports of suspected violations.

Present law provides that persons who are authorized to prescribe or dispense controlled substances or drugs of concern for the purpose of providing medical or pharmaceutical care for their patients, may access prescription monitoring information after taking certain educational courses.

Proposed law retains present law and adds that those persons may also access information for the purpose of verifying their prescribing records.

Present law states that representatives from the professional licensing, certification, or regulatory agencies of this state charged with oversight of those professionals engaged in prescribing or dispensing controlled substances or other drugs of concern may access prescription monitoring information after taking certain educational courses.

Proposed law retains present law and adds out-of-state regulatory agencies to the list of those with access.

Present law provides that the La. Board of Pharmacy may provide a report containing prescription monitoring information upon application of local, state, and federal law enforcement agencies engaged in the administration, investigation, or enforcement of the laws governing controlled substances or other drugs of concern, subject to certain requirements.

Proposed law retains present law and adds out-of-state law enforcement agencies to the list.

(Amends R.S. 40:1006(B) and (E) and R.S. 40:1007(E)(1) and (2) and (F)(intro. para.))